



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Joan Greene
3501 E Desert Broom Way
Phoenix, AZ 85044

MAR 22 2019

RE: MUR 7423

Dear Ms. Greene:

The Federal Election Commission reviewed the allegations in your complaint received on July 10, 2018. On March 14, 2019, based upon the information provided in the complaint, and information in the record, the Commission decided to exercise its prosecutorial discretion to dismiss the allegations as to Friends of Jose Torres, and Jason Kopas, in his official capacity as treasurer, and close its file in this matter. Accordingly, the Commission closed its file in this matter on March 14, 2019. A copy of the General Counsel's Report, which more fully explains the basis for the Commission's decision, is enclosed.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009).

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See 52 U.S.C. § 30109(a)(8).

Sincerely,

Lisa J. Stevenson
Acting General Counsel

BY: Jeff S. Jordan
Assistant General Counsel

Enclosure
General Counsel's Report

160044461797

BEFORE THE FEDERAL ELECTION COMMISSION

**ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT**

MUR: 7423

Respondents: Friends of Jose Torres
and Jason Kopas, as Treasurer
("the Committee")¹

Complaint Receipt Date: July 10, 2018

Response Date: No response received

EPS Rating:

Alleged Statutory

52 U.S.C. §§ 30104(a)(2)(A)(iii), (b); 30120(a)(1)

Regulatory Violations:

11 C.F.R. §§ 104.3; 104.5(a)(1); 110.11

The Complaint alleges the Committee failed to file a 2018 April Quarterly Report and failed to include a proper disclaimer on its website.²

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law. This matter is rated as low priority for Commission action after application of these pre-established criteria. Given that low rating and the *de minimis* amount raised and spent by the Committee, we recommend that the Commission dismiss

¹ Torres was a 2018 candidate for the U.S. House of Representatives in Arizona's Fifth Congressional District. Friends of Jose Torres is his principal campaign committee.

² Respondents did not file a response to the Complaint. However, a review of the Committee's late-filed 2018 April Quarterly Report and 2018 July Quarterly Report shows that the Committee raised approximately \$8,000 and spent approximately \$10,000 during the 2018 election cycle. The website, referenced by the Complainant, reflects at the bottom of the first page "PAID FOR BY FRIENDS OF JOSE TORRES," followed by "Authorized By Jose Torres." See <http://torresforcongress.com/> (last accessed on February 21, 2019).

the Complaint consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources. *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). We also recommend that the Commission close the file as to all Respondents and send the appropriate letters.

Lisa J. Stevenson
Acting General Counsel

Charles Kitcher
Acting Associate General Counsel

2/28/2019
Date

BY: Stephen Gura / JSG
Stephen Gura
Deputy Associate General Counsel

Jeff S. Jordan
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Assistant General Counsel

Kristina Portner
Kristina M. Portner
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